

CORRES. CONTROL
INCOMING LTR NO.

01738 RF 94

DUE
DATE

ACTION

DIST. LTR ENC

BERMAN, H.S.	
CARNIVAL, G.J.	
COPP, R.D.	
CORDOVA, R.C.	
DAVIS, J.G.	
FERRERA, D.W.	
FRANZ, W.A.	
HANNI, B.J.	
HEALY, T.J.	
HEDAH, T.G.	
HILBIG, J.G.	
HUTCHINS, N.M.	
KELL, R.E.	
KIRBY, W.A.	
KUESTER, A.W.	
MAHAFFEY, J.W.	
MANN, H.P.	
MARX, G.E.	
McKENNA, F.G.	
MORGAN, R.V.	
PIZZUTO, V.M.	
POTTER, G.L.	
SANDLIN, N.B.	
SATTERWHITE, D.G.	
SCHUBERT, A.L.	
SETLOCK, G.H.	
STIGER, S.G.	
SULLIVAN, M.T.	
SWANSON, E.R.	
WILKINSON, R.B.	
WILSON, J.M.	

Busby, W. X

CORRES CONTROL	x	x
ADMN RECORD/080	x	x
PATS/ T130G		

Reviewed for Addressee
Corres. Control RFP

5/8/94 CM
DATE BY

Ref Ltr. #

DOE ORDER # 5400.1

RF-46522 (Rev. 01/94)

Department of Energy

ROCKY FLATS OFFICE
P.O. BOX 928
GOLDEN, COLORADO 80402-0928

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APR 29 1994

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94-DOE-04830



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Mr. Martin Hestmark
U. S. Environmental Protection Agency, Region VIII
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Mr. Gary Baughman
Hazardous Waste Facilities Unit Leader
Colorado Department of Health
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530

Gentlemen:

The U.S. Department of Energy (DOE) understands that efforts are presently ongoing to finalize a Consent Agreement that would complete the terms of Point 5 of the April 14, 1994, Informal Resolution of the Operable Unit No. 8 (OU 8) dispute. The Informal Resolution addressed OU 8, but also applied to the other Industrial Area (IA) OUs. We further understand that Point 5 was targeted for resolution by April 28, 1994. Notwithstanding the parties efforts, however, complete resolution of the OU 8 dispute and execution of the Consent Agreement by April 29, 1994 was not attained and DOE is in jeopardy for OU 9. We believe OU 8 dispute process is proceeding effectively. The DOE proposes, therefore, a two week extension of the targeted date to May 12, 1994, which allows sufficient time for the process to continue to resolve outstanding issues for OU 8 and the remaining IA OUs.

As a protective measure, however, and in the event that the dispute resolution for OU 8 is unsuccessful, DOE wishes to preserve its defense and its rights to dispute the April 14, 1994 Draft and Final Phase I RCRA Facility Investigation/Remedial Action Report modification and Table 6 milestone date extension denials on OU 9. The DOE seeks to reserve the right to dispute the decisions of Colorado Department of Health to deny DOE's March 17, 1994 request for modification to work under Part 32 of the Interagency Agreement (IAG) and request for schedule extension under Part 42 of the IAG.

Sincerely,

Jessie Roberson
Jessie Roberson
Acting Assistant Manager for
Environmental Restoration



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M. Hestmark & G. Baughman
94-DOE-04830

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APR 29 1994

cc
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